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ABSTRACT

This self-instructional unit for supervisors and managers in the British hotel and catering industry contains information on all the important stages in the process of recruiting staff. The document begins with an introduction and advice on how to use the unit. Five sections cover the following topics: (1) the cost of employment; (2) planning for the needed staff; (3) finding the right person; (4) nondiscrimination and equal opportunities; and (5) contracts and work permits. Each section contains trainee objectives and pencil and paper activities, with suggested answers, designed to help trainees meet those objectives. (CML)

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OPERATIONAL MANAGEMENT PROGRAMME

Personnel Management
MODULE

GETTING THE RIGHT STAFF

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Getting the Right Staff was first published in 1986 as part of *Personnel Management in Practice* — produced under an Open Tech contract with the then Manpower Services Commission. *Personnel Management in Practice* was written by J Philip Magurn. Tessa Goddard and Jennifer Murray have extensively revised and updated *Getting the Right Staff*. Roy Hayter has edited the text. Cartoons are by Ian West.

Peter Critten
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GETTING THE RIGHT STAFF

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HOW TO USE THIS UNIT

The material in *Getting the Right Staff* is presented in a self-study format. There are five sections, each one dealing with an important stage in the process of recruiting staff. Periodically you will be asked to relate the information given in the text to your own experience and knowledge. Space is provided for you to write your answers. Where appropriate, suggestions and solutions to these questions are given on the following page.

You will be referred to the HCTC book *Employee Relations*.

INTRODUCTION

The hotel and catering industry is one of the largest employers in Britain, and it is expanding. Undoubtedly it is good news for the industry that demand for its services is increasing. But the reality is that employers are already experiencing difficulties in finding staff to fill existing vacancies. And with the creation of more and more new jobs the pressure on employers to improve their recruitment processes is growing.

Recruiting staff costs money. The more rapid the turnover of staff, the more it costs. So it makes good business sense to ensure you get the right staff in the first place. Because the right staff are more likely to stay.

SECTION 1
The cost of employment

After completing this section you will be able to:

- recognise the general costs of staff turnover.

GETTING THE RIGHT STAFF

Whether you are in business on your own account or as an employee, whether you are a supervisor or manager in the commercial or welfare sector, you will be concerned with a return for services provided. To the commercial sector this means profit. To the welfare and non-commercial sector it means reducing the cost of the subsidy.

Profit (or reduction in the cost of subsidy) is the margin between cost price and selling price. The greater the margin the greater the profit. There are two ways of increasing profit.

1. Increasing the selling price.
2. Reducing the cost price.

Reducing the costs has one distinct advantage over increasing the selling price as a way of making more profit. You will not lose customers who can no longer afford your services or goods, or who find your competitors more attractive. If you are in the non-commercial sector you may find grants and subsidies have ceased or at least decreased in value, and you have no choice but to reduce costs if your organisation is to survive.

How then can costs best be reduced? A service industry such as hotels, catering, leisure and tourism relies by definition on having enough staff to provide the services. Staff costs far outweigh expenditure in any other area of the industry. But in most cases it would be counter-productive to reduce the number of employees since standards of service would suffer, and customers would go elsewhere.

A better way of cutting costs, assuming that you are satisfied with the number of staff you employ, is to reduce staff turnover.

Staff turnover means the number of employees who start new jobs and who leave jobs. All sectors of the hotel, catering, leisure and tourism industry suffer a high rate of turnover. A recent HCTB survey indicated a range of between 28% and 216% annual rate of turnover. In almost every case the turnover could be reduced, so cutting costs and increasing profit.

List all the factors you can think of which add costs when a member of staff leaves, for instance advertising the job.

Here are some of the main factors which add to the cost of a member of staff leaving:

- overtime by other staff
- re-advertising
- recruitment administration — phone calls, letters, clerical time
- interviewing time
- re-training
- lost sales through staff unused to the job
- effect on other staff — possible lost sales through frustration, lowering of morale, unsettling effect on newcomers.

Think of a member of staff who has left recently and, using the factors described above together with any others you have identified, try to work out below how much (in £s) the employee's departure has cost the organisation. Make a brief note of the basis on which you calculated your figures.

Different circumstances in organisations will make the cost of the employee's departure vary. Within the same organisation costs will also vary according to the job vacated.

Losing staff costs money.

Work out how many staff who were taken on within the last 12 months have now left your unit or department. Using the factors listed opposite and those identified by you, work out what these staff departures have cost. If you cannot obtain exact figures make as near an estimate as possible.

As this section has been short you may wish to proceed directly to Section 2 which deals with planning your staffing requirements.

SECTION 2
Planning for the staff you need

After completing this section you will be able to:

- prepare and analyse suitable records to plan your staffing requirements.

GETTING THE RIGHT STAFF

This section looks at the value of planning staff levels and posts. Although you are unlikely to become involved in manpower planning on a grand scale, the principles can be usefully applied to any unit or department, however small. They are based on:

1. The organisation's objectives
2. Present staffing —
    - age groups
    - turnover
    - training
    - existing skills
    - absenteeism
3. Future staffing needs —
    - skills
    - recruitment
    - training
    - staffing structures

In order to plan staffing needs properly it is essential to keep staff records.

Consider the kind of information you think you need to keep on staff, and list below some appropriate headings for recording these details about each employee.

The amount and nature of information required may vary from establishment to establishment, but it is useful to include at least the following:

- names
- date of birth
- national insurance number
- marital status
- address
- starting date
- job title and type of work
- education and training
- record of pay
- hours of work
- disciplinary record
- maternity leave
- date and reason for leaving

Staff records which include the above details will help you form a clear overall picture of your present staffing. This should match your organisation's objectives. If you discover that it does not match, and is unlikely to do so in the foreseeable future, you need to prepare for more appropriate staffing requirements. You will probably not be able to plan for more than six months ahead, but at least you will have sufficient information on which to base a useful forecast of future staffing needs.

FORECASTING STAFFING REQUIREMENTS

Here are some examples of aspects which may need reviewing in your staff records so that future staffing requirements can be accurately forecast.

- Company objectives to be changed, leading to shortage of appropriately skilled staff.
- Seasonal peaks requiring additional short-term staff.
- Staff who are about to retire.
- Staff who will shortly be on maternity leave.
- Disciplinary records meaning that one or more members of staff will have to be replaced.
- Possibility of recruiting from school-leavers eligible for the Youth Training Scheme.

By keeping and updating staff records on a regular basis it is possible to avoid crisis recruitment, that is recruiting staff in panic at the last moment. This often leads to extra expense because the wrong staff are recruited, and may soon have to be replaced.

Planned staffing saves costs and increases profit.

Determining the work to be done

In order to calculate staffing levels and posts you should know exactly what work needs to be done. This means knowing what job each member of staff is employed to do, and what tasks this job entails. The same applies when recruiting a replacement. The manager must know what it is he or she wants the newcomer to do. And this may not be the same as the previous incumbent.

> A works manager was promoted in his firm to the newly-created post of works director. The vacated post was then advertised. In the meantime he continued to do many of the tasks required of his previous post. At last the job of works manager was filled. But over a period of 18 months no fewer than three works managers came and went. The reason became clear when it was discovered that there was no real job for the works manager. The elements of the job taken 'temporarily' by the new works director were never returned to the works manager's post.

The example illustrates how important it is to have an up-to-date picture of the job before you recruit someone to fill it. Mistakes of this kind can be, and have been, made at all levels within organisations by managers who think they know what a job entails, when in fact they do not.

JOB DESCRIPTIONS

Imagine a friend asks you the question 'What do you do nowadays for a living?' Your answer will describe your job. If you can do this briefly but comprehensively you will have provided your friend with a job description.

List below, in the form of headings, the main elements of your job to explain to your friend what you do nowadays for a living.

You would probably begin by telling your friend what your job is called	JOB TITLE
and where you work	PLACE/DEPARTMENT
You may then describe your job in a nutshell, for instance a restaurant manager may be responsible for overseeing the service of up to 250 lunches and dinners each day	JOB PURPOSE
Your friend may be interested enough to ask what tasks the job entailed	DUTIES
and where your job fits into the organisation	WHOM RESPONSIBLE FOR AND RESPONSIBLE TO

Written job descriptions which include the above details are useful for a variety of purposes, for instance as records of present staffing levels and posts, and as a basis on which to forecast future staffing needs. It is therefore worthwhile to write a job description for every member of staff, and to keep these up-to-date.

Using the headings suggested write a job description in the space on these two pages for a position you are likely to be recruiting for in the near future.

The way job descriptions are written and laid out varies with the circumstances, but you may find the following example useful.

Job title	housekeeper
Place/department	Tartan Hotel, Glasburgh
Job purpose	to organise the cleaning and servicing of guest rooms and public rooms
Responsible to	hotel manager
Responsible for	4 room cleaners 3 part-time cleaners 1 laundry operator
Relationships with other people	contract maintenance staff all department heads reception staff fire inspectors & fire equipment contractors security officers

Duties

1. Organise the daily cleaning and servicing of all guest bedrooms and public rooms.
2. Supervise the collection, laundering and distribution of bed and table linen and staff uniforms.
3. Order and control the following stock:

   cleaning materials
   linen
   guest room tea/coffee equipment
4. Liaise with reception staff on accommodation services and security.
5. Plan and implement training of departmental staff in all relevant craft skills, social skills, fire drills and induction.
6. Assist and advise the managers in planning repairs and maintenance work, replacement of furnishings, fittings and equipment.
7. Assist and advise in the selection of housekeeping staff.

Occasional duties

Holiday relief housekeeping duties in the company's Blue Arrow Hotel, Waverly Square.

Limits of authority

Discipline: recommend dismissal of staff to hotel manager.

A job description that gives insufficient or misleading information can result in mistakes being made over staffing, which can be costly.

Remember your aim in finding the right staff for the job is to save costs.

So the next step is to check that your job description is accurate.

Do some spot checks as the jobholder goes about his or her work during a typical day, and note down below any discrepancies, or additional duties you have not thought of. If you are not the jobholder's superior, check your job description with the supervisor or head of department concerned, and note down your findings. Speak to the jobholder to find out what he or she believes the job entails, and whether there are any difficulties in doing what is required. Finally make any alterations to your job description and if necessary write out a fair copy and and attach it to page 16.

Your research may have uncovered some interesting discrepancies, not only between your initial understanding of the job and what you see the jobholder actually doing, but also between what the supervisor and the jobholder consider the same job to be. These differences will clearly have to be sorted out to find out exactly what the job needs to be to achieve the organisation's objectives. Asking the jobholder if there are any difficulties in performing the tasks may alert you to the kind of skills required of the next person appointed to the job, or perhaps these tasks should be transferred to another job within the department.

During the next few days or weeks draw up job descriptions for all your staff, and then check the accuracy of your descriptions as above. Make notes below and overleaf if you wish. Keep the completed job descriptions in a safe place as they will be useful for other parts of this self-study unit, and in performing your own job.

Take a break before starting Section 3. It deals with ways of turning your planning into action.

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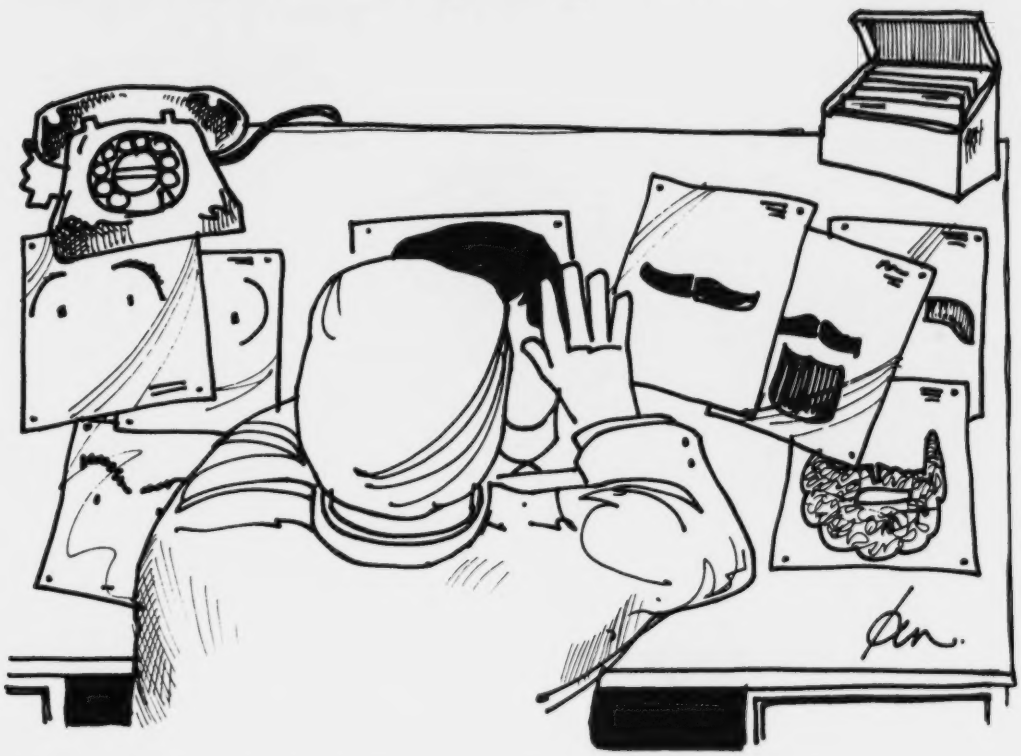
Take a break before starting Section 3. It deals with ways of turning your planning into action.

SECTION 3
Finding the right person



After completing this section you will be able to:

- recognise ways of recruiting staff to match your staffing requirements
- draw up personnel specifications for prospective jobholders
- recognise the basic ingredients of successful job advertisements
- draw up suitable job application forms
- prepare yourself for interviewing and selecting applicants.

In the previous section you looked at the importance of keeping up-to-date records to enable you to plan staffing requirements. But by keeping accurate job descriptions for each job you only have one half of the information necessary for getting the right staff for the job. You know all about the job. But what about the person who is going to fill it? In order to match the right person to the job you also need to know what personal qualifications and skills you are looking for.

THE PERSONNEL SPECIFICATION

Drawing up a personnel specification is a methodical way of identifying and recording the various human factors required to do the job. The factors can be usefully categorised as follows:

Physical aspects Does the job require any special physique, appearance or health? Aspects to consider are age, height, build, hearing, eyesight, looks, grooming, dress, voice and general health. (It is illegal to discriminate on racial or sexual grounds, see Section 4.)

Attainments Are any specific examination passes, or job training or experience required?

General intelligence What sort of speed and ability to comprehend is needed?

Special aptitudes Does the job call for any physical or mental dexterity, mechanical ability, computer skills, current driving licence or languages?

Interests Do any personal interests and hobbies indicate suitability for the job? A job with a lot of teamwork may require someone with experience in other teamwork, say sports or charity events. Interests can often give a useful indication of a person's character, for instance does he or she like intellectual, artistic, practical, physically active or social pursuits?

Disposition How essential are reliability, self-reliance, stability, honesty, ability to remain calm, a sense of humour? In a service industry the temperament of staff plays an important part in doing the job well.

Circumstances Does the job depend on particular conditions such as domestic arrangements, distance from work, ability to provide own transport or readiness to work irregular hours?

Take a look at the job description you drew up in Section 2, and then write below a personnel specification of the sort of person you think would do the job well. Use the seven points suggested on page 24, and try to be brief and specific in describing the qualities you are looking for. You may find it helpful to divide your list into two columns, one for essential qualities and the other for desirable. For instance if you are recruiting barstaff you would specify a minimum age of 18 in the 'essential' column to comply with the licensing laws. Living within a five mile radius may be desirable, but not essential. The 'desirable' column gives you the opportunity to describe the ideal person. Be realistic, though. You don't want to end up with a specification for a super star who probably doesn't even exist. Remember to check the personal attributes you list against the details on your job description.

Here is an example of a personnel specification. You will notice that the headings in the left column vary slightly from the seven points mentioned above, for instance 'attainments' has been sub-divided into 'educational attainments' and 'work experience' because this seems to suit the particular circumstances and the person drawing up the specification. Having seen this personnel specification you may want to make some changes or variations to your own.

Job title: Housekeeper

	Essential	**Desirable**
Physical make-up		
age	over 23	23-35
height	over 1.57m (5ft 2ins)	
health	no serious disability	sound health record
eyesight	normal vision	
Educational attainments		
school certificates	be able to express self effectively	GCE English, maths, home economics
further education		National Diploma in hotel and catering subject or equivalent
recognised skills training		Craft Trainer Award or TSI
Work experience		
experience in this part of industry	3 years' experience in housekeeping in medium sized hotel some laundry experience	supervisory experience in housekeeping
Personal characteristics		
	easy to get on with honesty stability	good references regarding honesty from previous employer
Personal circumstances		
live in/out	live within five miles of hotel	live in

ADVERTISING FOR STAFF

Now that you have completed a job description and a personnel specification you are ready to prepare to recruit for that job.

Successful advertising for staff:

- communicates with an appropriate audience
- brings in a suitable number of replies
- minimises the number of obviously unsuitable replies
- creates a good image of the employer.

Write below a newspaper advertisement for the job you have been dealing with in this unit. Bear in mind that your objective is to inform people about the job in a limited space. In other words be brief and keep to the point. You will probably want to include some details from the job description and the personnel specification you wrote earlier. Think about what you would seek from an advertisement if you were job hunting. And remember it is illegal to discriminate on racial or sexual grounds (see Section 4).

There are tried and tested rules for successful advertising. The main points are listed below. When you have absorbed them you may want to make some changes to your own job advertisement.

Capture attention The headlines, usually printed in the largest type, must catch the readers' eyes and make them want to read your advert rather than anyone else's. Consider whether the job title alone will do, or whether an arresting heading such as 'Award winning hotel' or 'Looking for a change?' is more suitable. It is often a good idea to give prominence to location and salary band.

Arouse interest Consider what you think is the most interesting aspect about the job or the establishment. It may be details about what the business does, its size, achievements and prospects; why the post has arisen; the duties involved; or the position in the hierarchy. By including details of age, qualifications, experience and other requirements which you have mentioned in your personnel specifications you will appeal to the readers you want to attract.

Create desire Try to make the readers feel dissatisfied with their present lot and give enough of the right information to make them want the job. You might include salary/wages and benefits. It is a waste of time to say 'attractive salary' or 'salary negotiable' unless you are genuinely prepared and able to negotiate. Be specific if you can and this will eliminate applicants for whom the pay is too low. Include details about opportunities for advancement and training if possible.

Incite to action There are various ways you can encourage the readers to reply, for instance by asking them to telephone, write a letter, submit career details, request an application form, fill in the coupon attached to the advertisement. Think carefully about the most suitable method for the particular position and the type of person you are trying to attract.

A way of remembering these points easily is the mnemonic AIDA — Attention, Interest, Desire, Action.

The way you write the final version of your job advertisement should be determined by the type of advertisement you choose. There are two basic kinds of newspaper advertisement:

- display
- classified.

Display advertisments are more expensive than classified advertisements and usually include eye catching artwork. The cost is determined by the amount of space and its position in the newspaper. You use the space for your choice of words and artwork.

Classified advertisements are inserted in the appropriate classified section, say 'Job Vacancies' or 'Hotel and Catering', and you either pay for the number of words you use or by the column inch.

Costs for both types are affected by the size of the paper's circulation. The greater the readership, the higher the cost.

Here are some examples of a display advertisement.

Challoner Hall Hotel is a magnificent Georgian manor house situated in the heart of the beautiful borders region, yet only 15 minutes from Kelfax.

This well-established and recently refurbished independent hotel has a first-class restaurant,35 luxury bedrooms and suites, and a private function room catering for up to 200.

We are seeking a highly motivated young professional as

BANQUETING HEAD WAITER/ WAITRESS

The successful applicant will have excellent standards of presentation and service, and at least two years' experience of first class banqueting.

We are offering up to £XXX a week, and accommodation is available if required.

Please write with CV to:

Do you enjoy meeting people?

ASSISTANT RECEPTIONIST (m/f)

Organised, responsible young person with good social skills required for busy London hotel. Duties involve all aspects of reception work. Training will be given.

Please tell us about yourself in a handwritten letter, and send it to:

Radio and television advertising is often neglected in the belief that it is too expensive. Local radio can in fact be a relatively cheap and effective means of advertising, and television may be cost effective if you are seeking a very large number of staff. You could write a radio or television advertisement yourself but to use the media to best effect it is advisable to call on the experts — writers, visualisers, artists, directors, actors, agencies and so on. Most local radio stations have their own 'commercials' teams to do the job professionally to your requirements, and television companies can advise you where to go for help. Remember that you will still need to write up your version of the advertisement in order to brief the experts.

Remember, let the type of post dictate where and how the advertisement is going to be placed. Newspapers, radio and television are only three of the many possibilities. (See *Staff Retention*, a companion self-study unit in the Personnel Management module.)

Suggest a most suitable place/medium for advertising the following posts.

Post	***Advertising medium***
1. Catering manager in a middle east country	
2. Serving staff for a restaurant	
3. School leaver	
4. Principal cook in a hospital	
5. Part-time barstaff	
6. Personnel director of a contract catering company	
7. Full-time housekeeping staff	
8. Cleaner in a pub	
9. Domestic bursar for a university	
10. Kitchen porter	
11. Reception staff in leisure centre	
12. Swimming pool attendant	

The best place to advertise depends on the type of post, the employment situation in the area, and who you want to appeal to.

1. Trade press which gives national coverage, national press.
2. Job centres, local weekly or evening paper, newsagents' windows.
3. Local careers office and local catering colleges.
4. National trade press or newspapers/magazines with hospital service circulation, local newspapers.
5. Local newspapers, newsagents' windows.
6. Personnel management magazines, national newspapers, trade press.
7. Local press, newsagents' windows.
8. Local press, newsagents' windows.
9. National newspapers, trade press, relevant local government publications.
10. Local newspapers, job centres, word of mouth.
11. Local newspapers, job centres, advertisement displayed in-house.
12. Local newspapers, job centres, in-house advertisement.

Look again at the job advertisement you have prepared. Re-write the advertisement in the space below making any changes which seem appropriate to you. Note where you would place this advertisement and why you have selected this medium. Then contact the appropriate department and find out how to place the advertisement, and where appropriate, how much it will cost. Minor changes to suit the format of your advertising medium may be suggested to you at this stage. If you are advertising for a real vacancy, go ahead and place the advertisement as appropriate.

APPLICATION FORMS

If your advertisement asks applicants to contact you for an application form, then these should be ready to send out upon request.

When compiling an application form it is a good idea to keep in mind what its function is:

1. A means of collecting relevant information about the applicants so that you can judge whether or not to interview them.
2. A standard means of obtaining information about the applicants which allows you to shortlist quickly and easily without having to sift through unfamiliar formats. Unsuitable applicants can be swiftly weeded out if they lack some of the 'essential' factors you have noted in your personnel specification.
3. A basis for an interview. It gives details and exposes gaps in information on which you can ask the interviewee to expand.
4. A basis for the personnel records of appointed staff.

An application form should be kept as simple as possible and be easy for an applicant to complete. It should never be used as a test of the candidate's comprehension or determination.

An example of a job application form is given overleaf.

PRIVATE AND CONFIDENTIAL

AVENUE CATERING
16 Church Street
Kelsingham

Application for the job of .....

1 *Personal particulars*

SURNAME (BLOCK LETTERS) FIRST NAMES

ADDRESS ADDRESS FOR CORRESPONDENCE IF DIFFERENT

TELEPHONE NUMBER TELEPHONE NUMBER

DATE OF BIRTH PLACE OF BIRTH MARRIED ☐ SINGLE ☐ WIDOWED ☐
DIVORCED ☐ SEPARATED ☐

MALE ☐ FEMALE ☐ NATIONALITY DO YOU HOLD A WORK PERMIT (WHERE APPLICABLE) YES ☐ NO ☐

DO YOU HAVE ANY CHILDREN? IF YES, GIVE AGES

NAME AND ADDRESS OF PERSON TO BE CONTACTED IN EMERGENCY

TELPHONE NUMBER BY DAY BY NIGHT

WHAT SERIOUS ACCIDENTS, ILLNESS OR DISABILITIES HAVE YOU HAD?

ARE YOU PRESENTLY UNDERGOING MEDICAL TREATMENT? YES ☐ NO ☐
IF YES, DESCRIBE BRIEFLY

ARE YOU A REGISTERED DISABLED PERSON? YES ☐ NO ☐ IF YES, GIVE YOUR REGISTRATION NUMBER

DO YOU HAVE A CURRENT DRIVING LICENCE? YES ☐ NO ☐

HAVE YOU EVER BEEN CONVICTED OF A CRIMINAL OFFENCE? YES ☐ NO ☐
IF YES, PLEASE GIVE DETAILS

WHEN COULD YOU START WORK WITH US IF WE OFFERED YOU A JOB?

HOW DID YOU LEARN ABOUT THIS JOB VACANCY?

2 *Education and Training*

WHAT SCHOOLS DID YOU ATTEND?

FROM	TO	NAME OF SCHOOL	CERTIFICATES RECEIVED

WHAT OTHER COURSES OF EDUCATION HAVE YOU UNDERTAKEN?

FROM	TO	NAME OF COLLEGE/UNIVERSITY	QUALIFICATIONS RECEIVED

WHAT TRAINING COURSES HAVE YOU ATTENDED?

DATE	LENGTH	SUBJECT	WHO RAN THE COURSE?	QUALIFICATIONS RECEIVED

3 *Employment*

PLEASE GIVE DETAILS OF THE JOBS YOU HAVE HAD IN THE LAST FIVE YEARS

FROM	TO	NAME AND ADDRESS OF EMPLOYER	JOB TITLES, BRIEF DESCRIPTION OF DUTIES	SALARY INCLUDING BONUS	REASON FOR LEAVING

Please comment on the experience you have gained and say how it will help you in the post for which you have applied.

What particular aspects of the job for which you have applied interest you most?

4 *Interests*

Please list your hobbies, sports and any other interests.

5 *References*

Please give the names, status, telephone number and address of two referees. At least one of the referees must know you through your employment.

6 *This application*

Please make any other comments about yourself, experience or interests, which are relevant to the application. Also ask any questions about the job for which you have applied.

I declare the information I have given is correct.

Signature ..... Date .....

Draw up an application form along the lines of the one on pages 36 and 37, adjusting it where necessary to suit your own and your establishment's requirements. Alternatively you may have an existing application form which you would prefer to change if necessary. For ease of reference and speed it is preferable to have a single application form to suit all types of positions you are likely to recruit for. So do not be too specific in the way you head each section. You may find it useful to check with your personnel specifications and job descriptions that you have allowed for any information about applicants which you may require, for instance special aptitudes or experience. You can make a draft application form using the space below if you wish before getting a final copy typed and printed.

SHORTLISTING CANDIDATES

If you are currently recruiting for the post whose job description and personnel specification you have written, you may have requested applicants to fill in an application form, and you may already have received these. The next stage is to select a shortlist of candidates for interview. You will need to refer closely to the job description, personnel specification and job advertisement to remind yourself of exactly what you are looking for. There are two basic ways in which applications can be sifted:

1. Skim through each application form and sort them into categories:
   - the clearly unsuitable — who lack the essential requirements
   - the possible — who have most of the requirements but lack others
   - the probable — who seem to have all the requirements.
2. Prepare a sheet of paper with columns for each requirement you wish to highlight. It will probably look something like this.

Applicant	Age	Qualifications	Hotel experience	Jobs in last 5 years	Present job
Brady	27	C&G 706/1	none	2	cook
Callaghan	41	C&G 147/151	8 years	10	assistant Catering manager
Digby	26	C&G 706/1&2	6 years	3	chef

The first method may appear quicker but you are likely to waste time by having to check and re-check that you have made the right groupings. The second method takes longer initially but it is likely to be more objective and consistent. It allows you to single out the weaknesses and strengths of candidates, leaving you with a useful summary of every applicant suitable for interviews.

Once you have compiled a shortlist of candidates there are still several arrangements to be made before you can interview them.

Remember that careful preparation will help put the candidate at ease, enhance the image of the establishment and allow you to concentrate on selection.

List below the essential preparations you should make before interviewing job candidates. You may find it useful to make separate lists of:

- *administrative preparations, such as letters inviting candidates to interview*
- *personal preparations, such as compiling suitable questions to ask the interviewees.*

The necessary administrative preparations will vary from company to company but should include the following:

- Notifying shortlisted candidates of the date, time, duration and place of interview, and reminding them to bring necessary documents such as examination certificates.
- Informing other candiates that they will not be called for interview.
- Organising a suitable room where you can interview without interruptions.
- Briefing someone to receive candidates and organise expenses claims where appropriate.
- Organising a system of letters notifying candidates of the outcome of the interview.
- Arranging for candidates to take selection tests where appropriate (see page 56).
- Preparing assessment/selection forms (see page 59).

The better you prepare yourself as the interviewer the more likely you are to make the right choice of candidate. Your personal preparations should include:

- Comparing the job description with the candidates' job application forms, and your summaries if you use the second method of shortlisting candidates.
- Compiling suitable questions to put to individual candidates to fill the 'gaps' in information you need.
- Compiling questions based on the personnel specification to give candidates the chance to talk about themselves and their work.
- Assessing the need for and suitability of various selection tests (see page 56).
- Establishing a suitable and fair way of assessing candidates following the interview (more details are given on page 59).
- Preparing brief facts, figures and anecdotes/examples to answer candidates' questions about the job.

INTERVIEWING

Interviewing prospective employees requires experience and practice which cannot be acquired from book exercises. But the following comments and activities highlight the essential points and will also alert you to the major pitfalls of interviewing. From these you will find out how it should be done. Then it is up to you to put in some practice in real interviews.

Meanwhile, if possible, sit in on job interviews conducted by experienced colleagues, and afterwards try and assess whether the interview achieved its purpose, and how.

A job interview has two main purposes:

1. To allow the interviewer to assess the candidate's suitability for the job.
2. To allow the candidate to see whether he or she still wants the job.

You should aim to let the candidate do most of the talking — but under your careful guidance. This is not as easy as it sounds. You need to establish the right atmosphere and pose the right questions to get the candidate to talk honestly and naturally. At the same time you need to fill all the gaps in the information you require.

A systematic way of trying to achieve this is to think of the interview in four parts, sometimes called the WASP structure:

1. Welcome
2. Acquire information
3. Supply information
4. Part

Welcome

Most job applicants arrive for an interview feeling nervous or apprehensive. It is worth spending a couple of minutes putting them at their ease.

List some ways in which you can welcome the applicant and put him or her at ease.

The purpose of the welcome is to put the applicant at ease so that he or she is more relaxed and responsive to your questions. In this way you are more likely to see them as they really are. Some ways in which you can welcome an interviewee are:

- a warm greeting and handshake
- asking about the journey or remarking on a topical subject
- offering refreshment
- describing the format of the interview.

Acquire information

You already know something about the candidate from the application form, but the interview provides an opportunity to find out as much relevant information as you can. You will probably want to ask about:

- present job
- past jobs
- education and qualifications
- activities outside work
- personal circumstances
- health.

One way of acquiring information is to work through the application form in a logical order, perhaps starting by asking questions about present employment, and working backwards. The value of the information you obtain depends very much on the way you word your questions.

Ask a person you do not know all that well if she or he would agree to be interviewed. (Explain why you want to do this.) Ask them ten questions which you think will tell you as much about their background as possible (it need not necessarily be about the person's work). Count the number of times you get answers which are noticeably short and therefore not as informative as you would have liked. Afterwards check whether you have discovered the most important points — from your own point of view and from your interviewee's. Make a note of your conclusions below.

If you or the interviewee are dissatisfied with the way the interview went, the following may help you to find out where and how you went wrong.

- Did you prepare your questions properly?
- How many short, uninformative answers did you get?
- Did you obtain the information (and impressions) you really need?
- Did you or the interviewee ramble off the point?
- Did you ask any trick questions which threw the interviewee?
- Did you ask any leading questions where you presupposed the answer?

The most valuable interview questions are open questions, so called because they are worded in a way which allows the candidate to 'open up'.

The most open of open questions begin with:

- how?
- why?
- what?

Other open questions begin with:

- when?
- where?
- who?

If you ask questions which begin with any of these words you are more likely to obtain informative answers. For instance it is impossible to answer a why? question with yes or no. However during most interviews both facts and feelings/ideas need to be discovered, and to achieve this a combination of open and more specific questions needs to be asked.

Here are some examples of different types of questions and when they can best be used.

Type of question	Example	When to use
Open: cannot be answered yes or no	Why did you decide to go to France for your holiday? or Tell me about your holiday in France.	To encourage interviewees to talk about ideas and feelings rather than facts.
Closed: should be answered yes or no	Would you be able to work overtime?	To summarise. When discussion has wandered from the point. To check that you have understood correctly.
Specific:	On what date did you return from France?	To find out the facts. When you want a particular piece of information or the interview to go in a specific direction. When the interviewee is too talkative.
Reverse:	You weren't too happy with the ferry crossing, then?	To encourage the interviewee to expand on a subject. (Reverses a statement or question and sends it back to the interviewee. Reverse questions also avoid personal involvement and showing bias.)
Hypothetical:	If one of your staff were arguing in front of a customer, how would you handle the situation?	Helps in selecting suitable candidates. Tests possible reaction to certain situations.

The following types of questions should be avoided.

Type of question	Example	Why unsuitable
Ambiguous:	What should I do with this chair? or What does an artichoke look like?	Interviewee is not sure what to answer.
Alternative answer:	Which sauce is served with cod mornay — cheese or mushroom? or Which is the county town of Berkshire — Reading or Aldershot?	If the answer is not known the interviewee will guess the answer. Does not tell you anything.
Leading:	Are you ambitious? or Were you well thought of in your last job?	You have already given the answer in the question. Misleading if used inadvertently.

By asking the right type of questions you are encouraging the applicant to talk.

Other aims during this stage of acquiring information are to:

- avoid long digressions into irrelevant subjects of mutual interest
- avoid arguments and prejudice
- investigate any gaps in information on the application form
- make discreet notes because it may be difficult to remember individual applicants later
- listen and be seen to listen.

Listening and being seen to listen are important interviewing skills because:

- you need to discover the feelings behind the candidate's words
- the candidate is more likely to open up if you look interested.

Listening is more than just hearing the words and the tone of voice used. What you see as the interviewee is speaking is equally, if not more, important to get the true meaning of what is being said. Eye movements, facial expressions, gestures and mannerisms can reflect a feeling more accurately than the speaker can express it in words. It is also possible for a candidate to tell a lie, or at least be economical with the truth, and the person's body language will often give away a certain discomfort which can alert you to probe further into the point being discussed.

Being seen to listen is more than just sitting still with your mouth shut. You want to build up the confidence of the interviewee so that he or she will give you more information about himself or herself, and so you need to demonstrate what is called 'active listening'. In other words you need to know how to use your own body language and words to show clearly that you are listening.

List some ways in which you can show interviewees that you are listening to them. Think about what a person who is really listening to you says and does.

Active listening is a technique that can be learnt:

- maintain eye contact with interviewee whenever appropriate
- lean forward slightly
- nod and look interested
- make agreeing noises such as 'yes' and 'mmm'
- reinforce what the interviewee is saying by summarising
- clarify points by asking questions.

Supply information

The candidate will usually want to find out more about the job, and now is probably the best time. Some interviewers prefer to start by supplying this information about the job and the company. At this stage of the interview it should be clear to you whether or not the candidate is suitable, and by waiting before you supply information you can save yourself time by giving less detail to obviously unsuitable candidates. The areas you will probably wish to cover include:

- an outline of the job, duties and responsibilities
- information about the company
- the salary and conditions of employment.

If there are unattractive features about the job it is a good idea to tell the candidate about them now. It is better to lose someone at this stage than immediately after the person has been appointed, because you will have to start recruiting all over again.

Part

The end of an interview is just as important as the beginning. It is up to the interviewer to bring it to a close positively. The aim is to:

- inform the candidate about the next stages in the recruitment process
- get final specific facts from the candidate
- leave the candidate with a good impression of the company, and yourself.

Points to consider at the end of the interview are:

- giving the candidate the opportunity to ask any questions
- asking the candidate if he or she would accept the job if offered it
- establishing when the candidate would be available to start
- informing the candidate that a medical is necessary
- leaving the candidate in no doubt as to what comes next, for instance how and when applicants will be informed of the outcome of the interview and that references will be taken up
- arranging travelling expenses
- thanking them for attending.

If you feel that the candidate is probably the right one it may be appropriate for him or her to see the work area and some of the facilities. By prepared for this and ensure that someone is available to do the accompanying.

Using the WASP structure (Welcome — Acquire information — Supply information — Part) make the necessary preparations to interview a candidate for the vacancy whose job description and personnel specification you have written. If you have already advertised the job and received completed application forms, then select an applicant from these. Remember to refer to the job description, the personnel specification and the candidate's application form when preparing each of the following stages of the interview.

1. *Plan how you will welcome the interviewee.*
2. *Make a list of the questions you want to ask and think about the best way of phrasing them to acquire the necessary information from the candidate.*
3. *Note the points of information you want to supply to the applicant.*
4. *Think about how you can ensure a positive parting between you and the interviewee.*

1. *Welcome*

2. *Acquire information*

3. *Supply information*

4. *Part*

SELECTION TESTS

Tests can be a useful part of the selection process because they assess skills and qualities necessary or desirable for the job which the standard interview does not. Compiling appropriate tests sometimes requires specialist training, for instance tests for:

- health
- intelligence
- personality
- aptitude
- potential for being trained.

But you can design your own tests to measure a candidate's abilities in:

- use of English
- numeracy
- work skills such as waiting, cooking, shorthand
- lifting and handling.

For convenience and to save time and costs, tests are usually carried out on the same day as the interview, but this need not be so.

Look back at the job description and personnel specification you wrote to remind yourself of the essential and desirable skills and personal attributes for the job, and then consider what skills could be tested. Note down some simple tests you could ask applicants for this job to do.

Test	*Abilities being tested*

The tests you devise will vary according to the job. If you were recruiting barstaff you would probably test for:

- numeracy
- various working skills such as speed, hygiene and safe working practices, use of the correct measure, and presentation.

You could assess all these by asking the applicants to:

- add up a round of drinks in their heads
- serve a particular drink.

You may now want to make changes or add to your suggested selection tests.

ASSESSING CANDIDATES

It is essential to use a system of some kind during and after interviewing to help you assess candidates. The same system used for all candidates for the job will help you to make a fairer assessment. It provides you with written details which you may otherwise forget, especially if you are interviewing several applicants.

An assessment system can be quite simple. You could, for example, adapt the second shortlist method on page 40, incorporating a scoring system with points out of five, as shown here:

Applicant	Age	Qualifications	Hotel experience	Jobs in last 5 years	Present job	Appearance	Team-work	Initiative	Outside interests	Communication skills	Prepared to live-in
Brady	27	C&G 706/1	none	2	Cook	2	4	2	2	3	No
Callaghan	41	C&G 147/151	8 years	10	Assistant Catering Manager	4	2	4	0	5	No
Digby	26	C&G 706/1&2	6 years	3	chef	4	4	5	2	4	Yes.

Draw up an assessment system using the job description and personnel specification you compiled.

- Did you leave enough space for all the categories of information you wanted to include?
- Are there any irrelevant categories?
- Would the system be easy to use during interviews?
- Is the scoring system fair?
- Do any of your information categories discriminate on grounds of race, sex, domestic arrangements, religion (see Section 4)?
- Will the system help you to assess the most suitable candidate?

Sometimes companies invite candidates for a second interview, especially when there is a difficult choice between candidates, or the post is a senior one. In such instances other members of staff are often brought in at the second interview to help assess candidates.

If none of the candidates seems suitable it is often better to re-advertise immediately than risk the effort and expense of appointing the wrong person.

When you have selected the candidate for the job you will have to:

- take up references
- offer the post to the chosen candidate
- inform unsuccessful candidates
- keep a record of the reasons for rejecting unsuccessful candidates.

You should always take up references. They could save you from potential problems by revealing matters which did not emerge during the selection process.

You may find it useful to read chapter 11 of *Employee Relations* on record-keeping.

Take a break before tackling Section 4 which deals with non-discrimination and equal opportunities.

SECTION 4
Non-discrimination and equal opportunities

After completing this section you will be able to:

- recognise different types of unfair discrimination
- recognise legal pitfalls in recruiting staff.

KINDS OF DISCRIMINATION

On the whole employers can appoint whoever they want to a job, provided they do not break the law. By its very nature recruitment is discriminatory: you choose one person in preference to another. But provided you treat all applicants equally and you select a candidate because you think he or she will do the job best, then you are within the law. It is unfair discrimination — that which does not treat everyone equally — which the law forbids. Various acts of parliament make it illegal to discriminate against anyone on grounds of their sex, marital status, race or ethnic origin:

- The Race Relations Act (1976)
- The Sex Discrimination Acts (1975) and (1986)
- The Equal Pay Act (1970) and the Equal Pay (Amendment Regulations) (1983).

Sexual or racial discrimination can be direct or indirect.

Direct discrimination This occurs when a person is treated less favourably than another because of his or her sex, race or marital status, for example, where a company advertises for waiting staff and specifies that blacks or women should not apply.

Indirect discrimination This occurs if a requirement or condition which, although applied equally to men and women and to all racial groups, is such that a considerably smaller proportion of one sex or particular racial group could comply with it — unless the requirement can be shown to be justifiable on grounds other than race or sex. For instance a job advertisement which stated that candidates must be at least 5ft 11ins tall would disqualify a significant proportion of women and some racial groups. Another example would be if you questioned a woman interviewee about her plans to start a family.

Unfair discrimination must be avoided in the employment of ex-offenders as outlined in the Rehabilitation of Offenders Act (1974) and of trade union members or activists as outlined in the Trade Union and Labour Relations Act (1974) and the Employment Act (1982).

Employees who feel that they are, or have been, treated less favourably or unfairly discriminated against can take their case to an industrial tribunal.

The law forbids discrimination, direct and indirect, on grounds of sex or marital status both before and after the person has been appointed to the job. Under the Sex Discrimination Acts women must not be treated less favourably then men in:

- opportunities for promotion, transfer and training
- access to benefits, facilities or services that go with the job
- detrimental treatment, for instance sexual harassment.

Here are some examples of sex discrimination which broke the law:

- Opportunities for promotion to higher posts were advertised in a magazine read mostly by men (Woodcock versus Boots the Chemist 1976).
- Failing to offer a woman a supervisory post because she was married and had three children at home (Braine-Hartnell versus Merton 1978).
- Free travel facilities for men's spouses but not for women's spouses (Simpson versus National Carriers Ltd).
- Dismissing a woman employee after she had passed her 60th birthday as part of a policy of retiring men at the age of 65 and women at the age of 60. It is now unlawful to set different retirement ages for men and women (Marshall versus Southampton and South West Area Health Authority 1986).

There are exceptions to this law:

1. Companies with five or fewer employees are exempt.
2. Where being a man or a woman is in itself a genuine qualification for the job, for instance men's or women's lavatory attendant, or where it is impossible for staff to live elsewhere and the only accommodation available is single sex and it would be unreasonable to expect the employer to provide separate accommodation.

RACIAL DISCRIMINATION

The law forbids discrimination on grounds of colour, race, nationality, or ethnic or national origin. The Race Relations Act does not cover religion, but Jews and Sikhs are protected under the Act because they are considered to be such by ethnic origin.

Here are some examples of racial discrimination which broke the law.

- A white woman was refused a job because her husband was West Indian (Wilson versus Steelwork Company 1978).
- A firm advertised for staff but excluded all applicants with a certain postal address (where 50% of inhabitants were non-whites) (Hussein versus Saints Complete House Furnishings 1979).
- A company operated a 'no beards' rule (Singh versus Rowntree Mackintosh 1978).
- A black person was offered a job, but the offer was withdrawn after a group of white employees objected (CRE versus Westminster City Council 1986).

There is an exception to this law where being of a specific race or ethnic origin is a genuine qualification for the job. For instance employing a Chinese waiter or waitress in a Chinese restaurant, to convey authenticity to the customers.

EQUAL PAY

The Equal Pay Act requires men and women to be treated equally in pay and contractual terms of employment, provided they are employed in the same or broadly similar work with the same or associated employer. Part-time staff doing the same work as full-time employees should receive the same rate of pay (pro rata).

When the work is not the same a woman can still claim equality of pay with a man provided the work is of equal value, that is the demands on her are the same as that made on a man working for the same, or an associated employer. Independent job evaluation experts assess whether jobs are equivalent in value.

> The first equal pay case to reach an industrial tribunal was brought by a cook/canteen assistant at a shipbuilders who claimed her job was of equal value to that of a painter, joiner or thermal insulation engineer. The tribunal ruled in her favour.

DISCRIMINATION AGAINST EX-OFFENDERS

If an offender against the law is not convicted again during a specified rehabilitation period his or her conviction becomes spent. The length of rehabilitation varies from six months to ten years. Prison sentences of more than two and a half years never become spent.

It is against the law to discriminate against an ex-offender because she or he has a spent conviction. For instance an ex-offender cannot be dismissed for failing to disclose a spent conviction.

DISCRIMINATION AGAINST TRADE UNION MEMBERS

Under the Trade Union and Labour Relations Act, and the Employment Act it is illegal to discriminate against a person for being a trade union member or for his or her activity in a trade union, for instance by refusing an applicant a job on these grounds.

You may find the guidelines given by the Employment Appeal Tribunal useful in gauging whether discrimination by an employer is justifiable, and therefore does not break the law:

1. The reason for the discriminatory requirement or condition must be genuinely necessary.
2. All the circumstances, including the discriminatory effect of the requirement or condition if allowed to continue, must be weighed up.
3. The need for the requirement or condition must be weighed against its discriminatory effect.
4. Convenience to the employer is of no avail; there must have been an attempt to find another, non-discriminatory way of achieving the same end.

Special attention should be paid to the way job advertisements are worded.

Consider each of the following advertisements. Does it comply with the legislation outlined? Give your answer with reasons below.

Waiter required. *No experience needed. Training will be given. Apply to ...*

Vacancy for a ***Front of House Supervisor.*** *Must hold relevant SCOTVEC qualifications. Apply to ...*

Both advertisements break the law.

1. It is not necessary to invent new job titles such as 'waiting person', but it is necessary to show that the post is open to both men and women. You could say 'waiter (male or female) is required', or better still 'serving staff required'.
2. You should avoid setting conditions where length of residence or experience in the UK or countries in the UK is required. If a particular qualification is needed you must make it clear that a fully comparable qualification obtained overseas would be equally acceptable.

There are other legal requirements to take into account when recruiting.

EMPLOYMENT OF DISABLED PEOPLE

The Disabled Persons (Employment) Acts (1944) and (1958) require firms of at least 20 staff to employ a quota of 3% registered disabled people. In addition to this the Companies (Directors Report — Employment of Disabled Persons) Regulations (1980) places a duty on companies employing more than 250 employees to:

- give full and fair consideration to disabled job applicants
- continue the employment of people who become disabled
- encourage the training, promotion and career development of disabled people.

EMPLOYMENT OF YOUNG PEOPLE

Restrictions on the number of hours which can be worked by young people aged 16 to 18 are likely to be lifted by March 1990. But until this legislation goes through it is as well to think carefully before advertising and recruiting for a job about whether it is suitable for someone under 18 who can only work restricted hours. Staff aged 16 to 18 cannot work more than:

- 96 hours a fortnight
- 50 hours overtime a year
- five hours without a minimum 30 minute break.

Young people must have at least 11 consecutive hours off duty between midday and midday which must include 10 pm to 6 am, and they cannot serve alcoholic liquor in a bar.

Until the new legislation goes through, regulations on the employment of young people will continue to vary according to local bye-laws. So check with your local authority on hours of work and types of jobs permitted.

The employment of young people is covered by various acts of parliament:

1. The Shops Act (1950)
2. The Children's Act (1972)
3. The Young Persons' (Employment) Act (1938).

Think about the sort of questions you should avoid in a job interview because they indicate unfair discrimination. List some examples below.

Questions which could indicate unfair discrimination include those which ask:

- about ethnic or national origins, such as 'Where do you come from?'
- about cultural practices, such as 'What do you think of arranged marriages?'
- about political beliefs, such as 'What are your opinions on Black power?' or 'What are your opinions on the "Loony Left"?'
- 'Does your husband know you are applying for this job?'
- 'What childcare arrangements would you make?'

You may find it useful when trying to decide if a question indicates unfair discrimination to consider whether you would put the same question to every applicant — male and female, black and white, trade union member and non-trade union member. Would you, for instance, ask a man whether his wife knew he was applying for the job?

You may, however, consider that there are certain questions and topics which need to be discussed with some applicants and not others. If so, think very carefully before the interview about your motives for doing so, and how best to raise the issue so as not to 'throw' the interviewee and put him or her at a disadvantage.

You may find it helpful to read chapter 6 on recruitment and selection in *Employee Relations*.

And you can obtain free copies of booklets from the following organisations:

Commission for Racial Equality (CRE)
Elliot House, 10-12 Allington Street, London SW1E 5EH
Telephone: 01*-828 7022 (*081 from May 1990)

- *Code of Practice in Race Relations*
- *Equal Opportunities in Employment: A guide for employers*
- *Positive Action and Equal Opportunities in Employment*
- *Implementing Equal Employment Policies*
- *Report on an Investigation of the Hotel and Catering Industry: job prospects of ethnic minorities* (Available November 1989. A small charge may be made.)

Equal Opportunities Commission (EOC)
Overseas House, Quay Street, Manchester M3 3HN
Telephone: 061-833 9244

- *Guidelines for Equal Opportunities Employers*
- *The Sex Discrimination Act and Advertising — Guide for Employers*
- *Fair and Efficient Selection*
- *Avoid Sex Bias in Selection Testing*
- *Positive Action in Vocational Education and Training*
- *Positive Action and Recruitment Advertising*

Take a break before starting Section 5 which deals with contracts and work permits.

SECTION 5
Contracts and work permits

... AND DO YOU AGREE THAT THE AFORE-MENTIONED THIRD PARTY HEREAFTER KNOWN AS THE COMPANY WHEREAS INSOMUCH THAT THEREBY UNTIL THE .....

After completing this section you will be able to:

- recognise the essential legal elements involved in taking on staff
- prepare a written statement of terms and conditions of employment.

THE LAW AND TAKING ON STAFF

A contract exists in law if there is:

- an offer of some sort
- an acceptance of that offer
- a consideration, a legal term meaning the obligation is binding each side, for instance a promise to pay a specific amount in return for a promise to provide a service.

Look at the examples below, and tick the ones which you think could be described as a contract in law.

1. *A regular customer offers to sell you her car for £2500 and you agree there and then to buy it.*

2. *A representative from a drain cleaning firm calls to see you. He describes the service provided by the company, and you agree to use their services every three months to carry out the cleaning.*

3. *You offer your customers the opportunity of a catering service for special occasions to be provided by you at their homes. Your standard charge for a dinner party is £20 per person. Mr Mbata says he would like to take advantage of this service for the following week but says he only wants to pay £15 per head.*

4. *After enquiry Mrs Lindgren books a double room for two nights at the bargain price advertised.*

Examples 1 and 4 contain the three essential elements of a legal contract. In example 2 there is no true consideration because no price was agreed, so a legal contract was not made. In example 3 Mr Mbata made a counter offer, not an agreement, and unless you agree to his offer of a reduced price there is no contract.

THE CONTRACT OF EMPLOYMENT

A contract of employment is made between the employer and employee in the same way as any contract in law if there is:

- an offer of employment by the employer
- an acceptance of the job
- the promise to pay a wage in return for the promise to work.

As a general rule contracts do not have to be in writing. If you make a valid offer of employment to someone this will be a legal contract if the person:

- writes to you accepting the offer for the agreed wage
- says to you that he or she accepts the post for the agreed wage
- turns up for work on the agreed date.

In other words once a job offer has been made and accepted for an agreed wage, then a legally binding contract of employment exists.

Tick the examples below which are legal contracts of employment.

1. *You offer Glafkos employment with duties and salary to be 'mutually agreed', which he accepts.*

2. *You write and offer a job to Fiona on Monday but decide against her on Wednesday when you write again to withdraw the offer. Her letter of acceptance crosses in the post with your withdrawal letter.*

3. *You write to Joan to offer her the job at £180 a week. She then replies and accepts providing you raise the salary to £200 a week.*

4. *Rick is so keen to have the job that he offers to work for you 'for free'. You accept Rick and he starts work with you at no wage.*

1. There is no employment contract because the consideration or wage has not been established.
2. A contract of employment exists because the acceptance by Fiona is valid at the time she posted her letter of acceptance. Fiona could insist upon notice or payment in lieu to end the contract. She might also try to claim continuous loss of earning because she was not subsequently able to get a job.
3. Joan made a counter offer, and therefore, until a wage is agree, there is no contract.
4. There is no contract because there is no consideration or wage from you as the employer. If Rick had agreed to wages of only 1p a week, then a contract of employment would have existed.

There is no legal requirement for a contract of employment to be in writing, but it is a good idea to do so. It will save a lot of problems if a dispute arises later and the terms of the contract need to be proved.

THE WRITTEN STATEMENT

The written statement covers the terms and conditions under which an employee is employed. It is similar to the contract of employment in that it is a legal contract, but unlike the contract of the employment it must by law be in writing.

Within 13 weeks of starting work with an employer all staff who work 16 hours a week or more must, under the Employment Protection (Consolidation) Act (1978) receive a written statement of the terms and conditions of their employment.

Staff working for between 8 and 16 hours a week are legally entitled to a written statement after five years, but it is sensible to treat them in the same way as other employees, by clarifying the terms and conditions of their employment in a written statement as soon as possible.

It is also important to check that all staff understand what the written statement means. For instance there may be employees who have difficulty in understanding written English.

The written statement must by law contain:

1. The names of employer and employee.
2. The job title.
3. The date employee started the job, and the date his or her period of continuous employment began (this may be with another employer).
4. The wages or salary scale, and method of calculating level of pay.
5. Interval at which wages are paid, for example weekly or monthly.
6. Any terms and conditions relating to hours of work, including normal working hours.
7. Terms and conditions relating to:
   - holidays and holiday pay
   - periods off work due to sickness or injury
   - sick pay arrangements
   - pensions and pension schemes.
8. Details of disciplinary and grievance procedures and rules, and to whom such matters may be referred.
9. Any previous service which counts for continuity purposes, and when continuity began.
10. The period of notice required from employee and from employer to terminate the contract.

An employee working at least 16 hours a week, or eight hours a week for at least five years, is entitled by law to a minimum period of notice of termination of employment depending on how long he or she has worked continuously with the company:

- one week after one month
- two weeks after two years
- three weeks after three years
- one week extra for each additional year of service up to a maximum of twelve weeks after twelve years' continuous service.

However employees who have a contract for three months or less, such as seasonal staff, are not entitled to a week's notice unless they actually work for more than three months. This should be made clear at the time of the appointment.

An employee is required by law to give the employer one week's notice after one month's service.

Many employers give, and require from the employee, a longer period of notice, and this is perfectly acceptable provided it is agreed as part of the original contract.

Over the page is an example of a written statement (reproduced from *Employee Relations*) containing all the information an employer is obliged by law to give.

Introduction

Part I of this statement sets out particulars of the terms and conditions on which I ... (*name of employer*) ... am employing you ... (*name of employee*) ... at ... (*date on which statement is issued*).

Part II of this statement sets out information on disciplinary rules, whom you should contact if you wish to appeal against a disciplinary decision or to take up a grievance, and the subsequent steps to be followed in the disciplinary and grievance procedures.

Your employment with me began on ... (*date*). Your previous employment with ... (*name of previous employer or employers*) ... counts as part of your continuous period of employment which therefore began on ... (*date continuous period of employment commenced*) ...

Alternatively

Your employment with me began on ... (*date*). Your employment with your previous employer does not count as part of your continuous period of employment.

PART I

1. You are employed as a ... (*insert job title*).
2. Scale or rate of remuneration, or method of calculating remuneration and the intervals at which remuneration is to be paid ... (*give details*).
3. Normal hours of work and any other terms and conditions relating to hours of work ... (*give details*).
4. Holidays and holiday pay ... (*give details*).
5. Terms and conditions relating to incapacity for work due to sickness or injury and sick pay (*if none, say so*) ... (*give details*).
6. Pensions and pension schemes (*if none, say so*) ... (*give details*) ... (*also state whether a contracting-out certificate under the Social Security Pensions Act 1975 is in force*).
7. Amount of notice of termination to be given by:

   (a) The employee ... (*give details*).
   (b) The employer ... (*give details*).

   (*If the contract is for a fixed term no period of notice should be given but the date on which the fixed term expires should be stated.*)

PART II

1. The disciplinary rules which apply to you in your employment are ... (*explain them*).

Alternatively

1. The disciplinary rules which apply to you in your employment can be found in ... (*here reference should be made to a handbook or other document which is given to the employee with the written statement and additional note, or, if that is not practicable, can be read by the employee in a place to which he or she can gain access without difficulty*).
2. If you are dissatisfied with any disciplinary decision which affects you, you should appeal in the first instance to ... (*give the name of the person to whom the appeal should be made, or the position which he or she holds, for example, supervisor*).
3. You should make your appeal by ... (*explain how appeal should be made*).

Alternatively

3. The way in which appeals should be made is explained in ... (*refer to an accompanying handbook or document which is reasonably accessible to the employee*).
4. If you have a grievance about your employment you should apply in the first instance to ... (*give the name of the person with whom your grievance should be raised or the position which he or she holds, for example, personnel officer*).
5. You should explain your grievance by ... (*explain how grievances are to be raised*).

Alternatively

5. The way in which grievances should be raised is explained in ... (*refer again to an accompanying handbook or, if necessary, to a document which the employee can consult which is reasonably accessible to him or her*).
6. Subsequent steps in the firm's disciplinary and grievance procedures are ... (*explain them*).

Alternatively

6. Details of the firm's disciplinary and grievance procedures are set in ... (*refer to an accompanying handbook or, if necessary, another document which is reasonably accessible to the employee*).

Note that the separate stages outlined in Part II can be telescoped where, for example, the same person is the first to be approached for appeals against disciplinary decisions and grievances, or where the method of application for both is the same.

Using the written statement on pages 82 and 83 as your guide, together with the job description and personnel specification you drew up in Sections 2 and 3, draw up a written statement of terms and conditions of employment. Bear in mind that a written statement can refer to other documents, such as pension booklets and rule books, for more details.

Have you included the ten statutory statements in your written statement?

Many employers give additional information in the written statement which is not required by law, but which will clarify further to employees the terms and conditions of their employment. This additional information may include:

- the conditions under which accommodation, meals and uniforms are supplied
- terms of joint contracts, between husband and wife for instance
- continuity of employment (especially for seasonal and casual staff)
- maternity rights
- requirement to do overtime
- responsibilities as to safety.

You may now want to add particulars not required by law to your written statement. Are there any special rules or procedures in your establishment which you think the employee should know about?

Terms and conditions of employment can change. Many written statements contain a clause allowing for this flexibility. For example a pay increase or different pension arrangements will alter the original contract. In order to make any alterations the employer must inform the employee, in writing, no more than one month after its introduction. A new written statement is normally issued. It is good practice, of course, to inform staff and get their agreement before any changes are made, otherwise disputes could arise. Only when the employee consents to the change is it contractually binding.

WORK PERMITS

Most overseas workers require a work permit in order to take up a job in the UK. Nationals from the European Community are an exception and do not need a work permit, except for those from Spain and Portugal who will continue to need a permit until 1993. (Countries must have been members of the EC for at least five years before the work permit rule is lifted.)

To qualify for a work permit the overseas worker should normally be aged between 23 and 54 years. Permits are issued only for employment requiring highly skilled and experienced people in hotel, catering and leisure work. An applicant should have successfully completed full-time training of at least two years at an approved hotel and catering school abroad or, in the exceptional case, have relevant specialised or uncommon skills and experience.

Other requirements to qualify for a work permit are:

- a genuine vacancy exists
- there is no suitable labour in the UK to fill the vacancy
- the employer has made adequate efforts to fill the vacancy from suitable candidates living in the UK or EC countries which do not require a permit
- the application is for a named person for a specific job
- the pay and conditions of employment are at least as good as those offered in the area for similar work
- the overseas worker's qualifications, skills and experience were acquired outside the UK
- the overseas worker has an adequate knowledge of the English language.

None of these restrictions applies to nationals from EC countries (except Spain and Portugal).

> The Department of Employment is considering (September 1989) relaxing the rules on work permits, in particular those applying to senior level transfers within a company, those bringing investment and job creation to the UK and those concerning scarce high level skills. The Department has also proposed making work permits effective for four years rather than one year as at present.

You should now have a better understanding of the documentation required by law when recruiting staff.

Section 5 ends here and completes this self-study unit on *Getting the Right Staff.*

Losing staff costs money. Proper recruitment procedures can reduce these costs. Get the right staff in the first place, and they are more likely to stay.

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